

**IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA**

Civil Writ Petition No.1714 of 2002.

Date of decision: 11.4.2007

Prakash Chand Mishra

Petitioner

Versus

H.R.T.C. and ors

Respondents

Coram

The Hon'ble Mr. Justice Dev Darshan Sud, J.

The Hon'ble Mr. Justice Rajiv Sharma, J.

Whether approved for reporting ?¹

For the Petitioner:

Mr. Ramakant Sharma, Advocate.

For the Respondents:

**Mr. M.S. Chandel, Advocate
General with Mr. Rajan Dewan,
Addl. Advocate General for
respondents No.1 and 2.**

**Mr. N.K. Thakur, Advocate, for
respondent No.3.**

Dev Darshan Sud, J (oral)

The petitioner is aggrieved by the judgment of the learned State Administrative Tribunal passed in OA No.1187 of 1990 on May 3, 2001.

The grievance of the petitioner is that he has not been granted the benefit under Demobilized Armed Forces (Reservation of Vacancies in Himachal Pradesh State Non Technical Services) Rules, 1972. Learned counsel for the petitioner has drawn our attention to Annexure P-4 to the writ petition in which the Rules have been amended by notification No.11-76/71-GA-A dated

¹ *Whether the reporters of Local Papers may be allowed to see the judgement?*

6.12.1980 and have been made applicable from 22.9.1970. From the record, we find that this notification has been over-looked by the Tribunal. Under these circumstances, this writ petition is allowed and the judgment of the Tribunal is quashed and set aside. The matter is sent back to the Tribunal for determination afresh in accordance with law. The petition was filed in the year 1990. In the circumstances, we hope that the Tribunal will make every endeavour to dispose of the matter on merits within a period of three months from the date when the parties put in appearance before it. The parties through their learned counsel are directed to appear before the Tribunal on 3.5.2007.

(Dev Darshan Sud), J

**April 11, 2007
(ss)**

(Rajiv Sharma), J